

REMARKS

This communication is in response to the non-final Office Action mailed September 28, 2005. In the Office Action, claims 10-14 were rejected. Applicant respectfully traverses the rejection of the claims because the cited prior art fails to disclose, teach, or suggest the requirements of the independent claim. Namely, the prior art references fail to disclose, teach, or suggest a needle comprising a substantially shaped piercing end, and a cannula surrounding the needle, as required by independent claim 10.

Claims 15-17 have been added.

Rejection Under 35 U.S.C. § 102

Claims 10, 11, 13 and 14 were rejected under 35 U.S.C. § 102(b) over Hattler (U.S. 4,846,791).

Applicant respectfully traverses the § 102(b) rejection.

Hattler discloses that “a multi-lumen catheter is formed by first introducing one end of an expandable tube into the blood vessel. A divider is then inserted into the distal end of the tube and extends the length of the tube, thereby dividing the tube into a plurality of the separate lumens.” (Hattler, Abstract.) Hattler further discloses that the assembly is performed in steps. At column 2, lines 35-38, Hattler states: “one end of an expandable tube is first introduced into a blood vessel through an opening in the wall of the blood vessel. A divider is subsequently inserted from the distal end of the tube and extends the length of the tube.” Hattler further illustrates the multi-lumen catheter assembly where Hattler states:

Figs. 4 through 8 illustrate the steps of installing a multi-lumen catheter in a blood vessel according to the present invention. Fig. 4 shows the first step in which the needle 20 and the end 12 of the catheter tube 10 are introduced into a blood vessel 40. The needle 20 punctures the wall 42 of the vessel and allows the end 12 of the catheter tube to be inserted through the needle into the interior of the blood vessel. A conventional hollow stainless steel needle of the type commonly used in the medical field is satisfactory for inserting the catheter tube into the blood vessel. . . . the needle 20 is then retracted out of the blood vessel, but the end of the catheter tube remains in place inside the blood vessel as shown in Fig. 5 . . . A

divider 30 is then inserted into the catheter tube from the distal end 14 of the tube, as shown in Fig. 7.

(Hattler, col. 4, lines 4-46.) Therefore, needle 20 in Hattler surrounds catheter tube 10, and pierces the a blood vessel 40 wall 42 allowing catheter tube 10 to be inserted through the needle into the blood vessel. Hattler fails to disclose at least the requirements of “a needle comprising a substantially sharpened piercing end; and a cannula surrounding the needle in a snug fit between an inner wall of the cannula and an outer wall of the needle,” from independent claim 10.

Divider 30 in Hattler is inserted into the catheter after the catheter has been inserted into the blood vessel. Therefore, divider 30 in Hattler is not “a needle comprising a substantially sharpened piercing end,” and again, Hattler fails to disclose the requirements of independent claim 10.

Hattler fails to disclose each of the elements of independent claim 10. Reconsideration and withdrawal of the § 102 rejection of the claims are respectfully requested.

Rejection Under 35 U.S.C. § 103

Claim 12 was rejected under 35 U.S.C. § 103(a) over Hattler.

The § 103(a) rejection of claim 12 is respectfully traversed. This is because Hattler fails to suggest each of the elements set forth in independent claim 10.

As discussed above, independent claim 10 requires at least: “a needle comprising a substantially sharpened piercing end; and a cannula surrounding the needle in a snug fit between an inner wall of the cannula and an outer wall of the needle.”

As also discussed above, Hattler fails to disclose the above-mentioned requirements of independent claim 10. Furthermore, it would not have been obvious to one of ordinary skill in the art to modify Hattler to reach the claimed invention because Hattler discloses a multi-step process for assembling a multi-lumen catheter that requires the catheter to be inserted into the blood vessel via a needle surrounding the catheter, removing the needle, and then inserting the divider into the catheter. Therefore, Hattler fails to disclose or suggest each element of the

independent claim. Reconsideration and withdrawal of the § 103(a) rejection is respectfully requested.

Claims 11-17 depend from independent claim 10, and recite additional novel features of the present invention. Therefore, dependent claims 11-17 are distinguishable over Hattler for at least the reasons set forth above.

Conclusion

This paper should not generate additional claim fees, however, a Petition for Extension of time to extend the response period from December 28, 2005 to January 28, 2006 is enclosed herewith along with a check in the amount of \$120.00 to cover the extension fee. The Commissioner is also hereby authorized to charge any additional fees and/or credit any overpayments associated with this paper or the petition to Deposit Account No. 04-1420.

This application now stands in allowable form, and reconsideration and allowance are respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date:

January 10, 2006

By:



David E. Bruhn, Reg. No. 36,762
(612) 340-6317